

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2005 FEB 16 P 3:20

Joseph Peter Schmitt, pro se

Plaintiff,

V.

CIVIL ACTION NO. _____

U.S. DISTRICT COURT
DISTRICT OF MASS.

Christopher P. LoConto, Esquire

Defendant

05 - 10572 PBS

AFFIDAVIT

I, Joseph P. Schmitt, an applicant to proceed in forma pauperis in the above named case, hereby depose and say as follows:

1. Attached hereto is a copy of the records reflecting the current status of my prison account maintained pursuant to the provisions of Massachusetts General Laws, Ch. 128, Sec. 3, and applicable regulations of the Department of Corrections.

2. Of those funds currently maintained in my prison account, the amount of _____ \$ NONE represents compensation paid to my account for labor performed within the meaning of Massachusetts General Laws, c. 127 sec. 48(a).

Dated: February 8, 2005

Signature of Applicant

Sworn and subscribed to before me this _____ day of _____, 1993.

NOTARY PUBLIC

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTIONS

Inmate Transaction Report

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Date : 20050131 08:55

Page : 8

Commit# : M81137
 Name : SCHMITT, JOSEPH, ,
 Inst : MASS. TREATMENT CENTER
 Block : D2
 Cell/Bed : 020 /B

MASS. TREATMENT CENTER

Statement From 20050101

To 20050131

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U.S. DISTRICT COURT
DISTRICT OF MASS

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$14,047.95	\$11,145.56	\$1,757.11	\$1,755.99
20050104 09:06	EX - External Disbursement	3923323	96849	MTC	~NATIONAL GEOGRAPHIC SOCIETY	\$0.00	\$24.00	\$0.00	\$0.00
20050104 09:06	MA - Maintenance and Administration	3923324		MTC	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20050106 22:30	CN - Canteen	3945393		MTC	~Canteen Date : 20050106	\$0.00	\$77.54	\$0.00	\$0.00
20050113 17:06	IS - Interest	3986034		MTC		\$7.55	\$0.00	\$0.00	\$0.00
20050113 17:06	IS - Interest	3986035		MTC		\$0.00	\$0.00	\$0.00	\$0.00
20050113 22:30	CN - Canteen	3995886		MTC	~Canteen Date : 20050113	\$0.00	\$50.40	\$0.00	\$0.00
20050120 22:30	CN - Canteen	4022424		MTC	~Canteen Date : 20050120	\$0.00	\$59.73	\$0.00	\$0.00
20050128 10:46	EX - External Disbursement	4054534	97401	MTC	~MARIE B MCGUIRK, ESQUIRE	\$0.00	\$2,000.00	\$0.00	\$0.00
20050128 10:47	EX - External Disbursement	4054538	97399	MTC	~US PLAYING CARD CO	\$0.00	\$22.50	\$0.00	\$0.00
20050128 10:47	EX - External Disbursement	4054541	97398	MTC	~MYSTERY GUILD	\$0.00	\$65.40	\$0.00	\$0.00
						\$7.55	\$2,300.57	\$0.00	\$0.00

Balance as of ending date :
 Personal \$609.37 Savings \$1.12

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$609.37	\$1.12	\$0.00	\$0.00	\$0.00	\$0.00

IMPOUNDED - CONFIDENTIAL

COMMONWEALTH OF MASSACHUSETTS FILED
IN CLERKS OFFICEU.S. District Court

2005 FEB 16 P 3:20

NO. _____

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

05-10572-278

INFORMATION FOR THE INMATE/APPLICANT: You have requested that the U.S. District Court waive the filing fees and (normal) costs and allow you to proceed as an indigent plaintiff. You are required to provide the court with information about your finances so that the court can determine whether you are unable to pay the fee or to make partial payments. You are required to sign this affidavit form under the penalties of perjury. This includes a statement that no action has been taken to hide assets. The court can dismiss the complaint if it finds that the claim of indigency is untrue. In addition, the court may impose costs on an inmate who intentionally files an affidavit that contains false information or that omits material information. You are also subject to loss of up to 60 days of good time earned or to be earned under G. L. c. 127, § 129C (for blood donation) or under c. 127, § 129D (for work, education or rehabilitation programs) if the court finds that the affidavit is frivolous and filed in bad faith in order to abuse the judicial process. See G. L. c. 261, § 29.

Joseph P. Schmitt, pro se,

Plaintiff(s)

v.

Christopher P. LoConto,

Defendant(s)

INMATE'S AFFIDAVIT OF INDIGENCY AND REQUEST FOR WAIVER OF NORMAL FEES AND COSTS IN COMPLIANCE WITH GENERAL LAWS c. 261, § 29

Pursuant to General Laws c. 261, § 29, the applicant, Joseph P. Schmitt, swears (or affirms) that the following information is true. (NAME)

SOCIAL SECURITY #: _____

DATE OF BIRTH: _____

INMATE IDENTIFICATION #: M-81137CORRECTIONAL FACILITY: Mass Treatment Center

ASSETS:

CASH: ~~#####~~

MONIES IN BANK ACCOUNTS:

INMATE CANTEEN ACCOUNT: \$550.00 (approximately)

OTHER INSTITUTIONAL ACCOUNT: \$1.12 (savings)

NON-PRISON ACCOUNT(S): None

REAL ESTATE: None

OTHER INVESTMENTS: None

ACCESSIBLE ASSETS OF A SPOUSE: None

INCOME:

LAST SIX MONTHS' INCOME: None

INCOME EXPECTED IN NEXT SIX MONTHS: None

LIABILITIES (for example, any debts you owe, including Victim/Witness fees, restitution fees, child support, other court-imposed costs, and costs assessed for incarceration and pre-release programs):

MONTHLY EXPENSES:

NECESSARY CANTEEN PURCHASES (for example, stamps, envelopes, soap, toothpaste and other toiletries, medications and clothing):

\$240.00 per month for food and cosmetics and stationary

OTHER EXPENSES: _____

I state under penalties of perjury that the statements made in this affidavit are true, that I have not omitted any assets that are available to me to pay filing fees or court costs, that I have not transferred any assets to avoid payment of filing fees and costs, and that I have not taken any action nor has any action been taken on my behalf relative to any assets in order to avoid having such assets used for payment of filing fees and costs.

Signature of applicant: _____

DATE: February 8, 2005

ALL INFORMATION CONTAINED HEREIN IS CONFIDENTIAL. EXCEPT BY SPECIAL ORDER OF A COURT, IT SHALL NOT BE DISCLOSED TO ANYONE OTHER THAN AUTHORIZED COURT PERSONNEL, PARTIES TO THIS LITIGATION OR THEIR COUNSEL, AND AN AUTHORIZED (IN WRITING) REPRESENTATIVE OF THE APPLICANT.